

ORIGINAL

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

BARBARA E. VARNER,  
Plaintiff

v.

COMMONWEALTH OF PENNSYLVANIA,  
NINTH JUDICIAL DISTRICT,  
CUMBERLAND COUNTY,

and

CUMBERLAND COUNTY

and

S. GARETH GRAHAM, individually

and

JOSEPH OSENKARSKI, individually,  
Defendants

CIVIL ACTION  
NO: 1:CV 01-0725

JURY TRIAL DEMANDED

Judge Yvette Kane

FILED  
HARRISBURG

APR 12 2002

ANDREA, CLERK  
CLERK

**JOINT MOTION**  
**FOR EXTENSION OF DEADLINES**  
**SET FORTH IN THE CASE MANAGEMENT ORDER DATED SEPTEMBER 27, 2001**

The Plaintiff, Cumberland County, Joseph Osenkarski, and the Commonwealth of Pennsylvania, Ninth Judicial District, Cumberland County, by their respective counsel, hereby request an extension of time with respect to all of the deadlines set forth in this Court's Case Management Order Dated September 27, 2001 and state in support of their request:

1. Plaintiff commenced this action on April 26, 2001 by filing a complaint.
2. All defendants filed motions to dismiss the complaint by July 5, 2001, which motions are currently pending before the Court.
3. No defendants have as yet filed answers to the complaint.

4. On September 27, 2001, this Court issued a Case Management Order pursuant to Rule 16 of the Federal Rules of Civil Procedure.

3. The Case Management Order provides, *inter alia*, that discovery shall be completed by April 26, 2002 and that any dispositive motions, as well as supporting briefs, be filed on or before July 19, 2002.

5. The Case Management Order also provided that the case be listed for trial in October, 2002.

6. At the Scheduling Conference held September 26, 2001, counsel present (Mr. Thomas, Ms. Williams, Ms. Wallet) understood that all depositions, including the depositions of two state court judges, which depositions had already been scheduled, were deferred by the Court because dispositive motions remained outstanding. At that time, Plaintiff's counsel agreed that it would not be in her client's interest to expend resources on discovery if the case would be dismissed. Counsel also agreed to the filing of a motion for summary judgment by the Court Defendant testing certain issues of timely filing.

7. On October 29, 2001, the Court Defendant filed a motion for summary judgment, which motion is pending before the Court.

8. Although the Case Management Order does not reflect an actual stay of discovery, this was the clear understanding of counsel present at the Scheduling Conference.

9. Separate counsel for Defendant S. Gareth Graham, John Gerard Devlin, Esq., entered his appearance on January 8, 2002 and does not concur in this motion.

10. It is anticipated that separate counsel for Defendant Joseph Osenkarski will enter an appearance shortly. Meanwhile, Mr. Thomas and Mr. Dellasega continue to represent Defendant Osenkarski.

11. The undersigned counsel believe that a four-month extension of time from the filing of the last answer, after the Court's ruling on the pending case-dispositive motions, is necessary to allow for the completion of discovery, including approximately 20 depositions.

12. Similarly, all dates must be advanced, including the date for trial.

WHEREFORE, the undersigned parties jointly request that all deadlines set forth in the Case Management Order be advanced four months from the filing of the last answer by the Defendants.

Respectfully submitted,

---

Debra K. Wallet, Esquire  
24 N. 32nd Street  
Camp Hill, PA 17011  
I.D. #23989  
(717) 737-1300  
Attorney for Plaintiff

---

James K. Thomas, II, Esq.  
Paul J. Dellasega, Esq.  
THOMAS, THOMAS & HAFER, LLP  
305 North Front St., 6<sup>th</sup> Floor  
P.O. Box 999  
Harrisburg, PA 17108  
(717) 255-7602  
Attorney for Cumberland County

---

A. Taylor Williams, Esquire  
Administrative Office of Pennsylvania Courts  
1515 Market Street, Suite 1414  
Philadelphia, PA 19102  
(215) 560-6300  
Attorney for Commonwealth of PA,  
Ninth Judicial District

04-12-2002 12:36PM FROM

TO

2377105


P.02


11. The undersigned counsel believe that a four-month extension of time from the filing of the last answer, after the Court's ruling on the pending case-dispositive motions, is necessary to allow for the completion of discovery, including approximately 20 depositions.

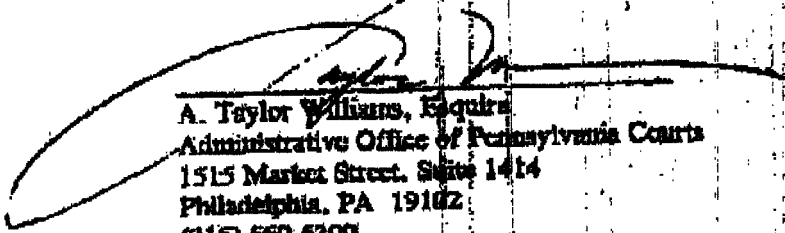
12. Similarly, all dates must be advanced, including the date for trial.

WHEREFORE, the undersigned parties jointly request that all deadlines set forth in the Case Management Order be advanced four months from the filing of the last answer by the Defendants.

Respectfully submitted,

  
 Debra K. Waller, Esquire  
 24 N. 92nd Street  
 Camp Hill, PA 17011  
 I.D. #23989  
 (717) 737-1300  
 Attorney for Plaintiff

  
 James K. Thomas II, Esq.  
 Paul J. Dellasega, Esq.  
 THOMAS, THOMAS & HAFFER, LLP  
 305 North Front St., 6<sup>th</sup> Floor  
 P.O. Box 999  
 Harrisburg, PA 17108  
 (717) 255-7602  
 Attorney for Cumberland County

  
 A. Taylor Williams, Esquire  
 Administrative Office of Pennsylvania Courts  
 1515 Market Street, Suite 1414  
 Philadelphia, PA 19102  
 (215) 560-6300  
 Attorney for Commonwealth of PA,  
 Ninth Judicial District



IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

BARBARA E. VARNER,  
Plaintiff

**V.**

COMMONWEALTH OF PENNSYLVANIA, :  
NINTH JUDICIAL DISTRICT, :  
CUMBERLAND COUNTY, :

and

CUMBERLAND COUNTY

and

**S. GARETH GRAHAM, individually**

and

**JOSEPH OSENKARSKI, individually,  
Defendants**

CIVIL ACTION  
NO: 1:CV 01-0725

## JURY TRIAL DEMANDED

Judge Yvette Kane

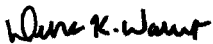
## PROOF OF SERVICE

I, Debra K. Wallet, Esquire, hereby certify that on April 12, 2002, I mailed by regular first class mail, postage prepaid, a true and correct copy of the attached **JOINT MOTION FOR EXTENSION OF DISCOVERY PERIOD** addressed as follows:

James K. Thomas, II, Esq.  
Paul J. Dellasega, Esq.  
**THOMAS, THOMAS & HAFER, LLP**  
305 North Front St., 6<sup>th</sup> Floor  
P.O. Box 999  
Harrisburg, PA 17108

A. Taylor Williams, Esquire  
Administrative Office of Pennsylvania Courts  
1515 Market Street, Suite 1414  
Philadelphia, PA 19102

John Gerard Devlin, Esquire  
JOHN GERARD DEVLIN & ASSOCIATES, P.C.  
100 Pine Street, Suite 260  
Harrisburg, PA 17101

  
\_\_\_\_\_  
Debra K. Wallet, Esq.  
24 N. 32nd Street  
Camp Hill, PA 17011  
(717) 737-1300  
I.D. #23989